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| 10/027,948 | 12/19/2001 | Guy Lambiaso | 7784-000390 | 2629 |

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| EXAMINER |
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VU, STEPHEN A

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| ART UNIT | PAPER NUMBER |
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3636

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,948

Applicant(s)

LAMBIASO, GUY

Examiner

Stephen A Vu

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in Paper No. 4 is acknowledged. The traversal is on the ground(s) that examination of all the claims will not be a burden on the examiner. This is not found persuasive because method claims 17-20 of Group II have acquired as a separate status for class 29 and will require further searching within that class. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "hard-wired connection or a wireless connection" appears to be alternative expressions and therefore, renders the claims indefinite because the resulting claims do not clearly set forth the metes and bounds of the patent protection desired.

Claim Rejections - 35 USC § 102

Art Unit: 3636

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughes et al.

Hughes et al show a telephone system comprising a housing (10), a first terminal on the housing (16), a second terminal (22), and a third terminal (24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al in view of Perlman.

Hughes et al disclose the claimed invention except for the second and third terminals to have an Ethernet interface. Perlman teaches that it is well known in the art for a communication terminal to have an Ethernet interface (see col. 37, lines 14-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second and third terminals of Hughes et al's invention to each have an Ethernet interface as taught by Perlman, in order to provide the user with proper Ethernet connection capabilities.

Claims 5-7 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al in view of Hughes et al.

Gallagher et al show a seat comprising an integrated telephone system (see col. 3, lines 35-45) having a cradle (104), a first terminal coupled to telephone handset (102), and a second terminal (see col. 4, lines 28-37). However, Gallagher et al do not disclose a third terminal. Hughes et al show a telephone system comprising a housing (10), a first terminal on the housing (16), a second terminal (22), and a third terminal (24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a third terminal as taught by Hughes et al to the cradle of Gallagher's invention, in order to allow the user to connect another device.

With respect to claim 12, the first and second terminals are in communication with a transmitter.

With claims 13-15, the communication link between the computing device and the first terminal, second terminal, and third terminal can be processed as either a hard-wired connection or a wireless connection.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al as applied to claim 5 above, and further in view of Caldwell.

Gallagher et al disclose the claimed invention except for the second terminal to have a serial port interface. Caldwell teaches a modem comprising a serial port interface (424) (see col. 9, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second terminal of Gallagher et al's invention to have a serial port interface as taught by Caldwell, in order to allow a user to connect a device requiring a serial port interface.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al as applied to claim 5 above, and further in view of Schlank et al .

Gallagher et al disclose the claimed invention except for the second terminal to have a parallel port interface. Schlank et al teach a fax machine (18) comprising a parallel port interface (30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second terminal of Gallagher et al's invention to have a parallel port interface as taught by Schlank et al, in order to allow a user to connect a device requiring a parallel port interface.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al as applied to claim 5 above, and further in view of Burke et al .

Gallagher et al disclose the claimed invention except for the second terminal to have a USB interface. Burke et al teach a telephone adapter/PC adapter (30) comprising a USB interface (180). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second terminal of Gallagher et

al's invention to have a USB interface as taught by Burke et al, in order to allow a user to connect a device requiring a USB interface.

Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher et al as applied to claims 5 and 6 above, and further in view of Croft et al.

Gallagher et al disclose the claimed invention except for the second terminal and third terminal to have a RJ-45 interface. Croft et al teach that it is well known in the art for internal modems to have RJ-45 interfaces (see col. 3, lines 33-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second terminal and third terminal of Gallagher et al's invention to each have a RJ-45 interface as taught by Schlank et al, in order to allow a user to connect a device requiring a RJ-45 interface.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. GB 2253782, Kepley, III et al, WO 95/29552, Shields, Jr., Skowronski, and Shaffer et al are cited as showing similar telephone system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A Vu whose telephone number is 703-308-1378. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm

Art Unit: 3636

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Stephen Vu
October 15, 2003



Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600